

Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun

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March 14, 2022

NOTICE OF BOARD MEETING

The Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun (Board or BOPC) will conduct a public meeting on Thursday, March 24, 2022, at 9:30 a.m. The agenda items are listed below.

*** Due to the Governor's proclamation of a State of Emergency resulting from the threat of COVID-19, and pursuant to the Governor Newsom's [Executive Order N-29-20](#), issued March 17, 2020, and [Executive Order N-1-22](#), issued January 5, 2022, certain provisions of the Bagley-Keene Act are suspended or waived during the declared State of Emergency. Consistent with the Executive Order, and in order to promote and maximize social distancing and public health and safety, the Committee meeting will take place entirely virtually. There will not be a physical place where the public can go in-person to make public comments. Members of the Committee will participate in this meeting remotely via telephone or video conference. The meeting may be observed through the Webex link or the telephone numbers identified below (telephone numbers are NOT toll-free).**

Members of the public may participate through the Webex platform, by telephone, or by submitting public comment in advance of the meeting. If members of the public wish to submit comments in advance, the Board requests members of the public to email written comments to bopc@bopc.ca.gov prior to the meeting. To the extent possible, all written comments will be distributed to the Board members and posted to the Board's website prior to the meeting.

When it's time, join the Webex meeting (video):

[Join Meeting](#)

More ways to join:

Join from the meeting link

<https://cadot.webex.com/cadot/j.php?MTID=mce2e535a8d75e0ef7fbfc0eb68ea0fad>

Join by meeting number

Meeting number (access code): 2497 401 4454

Meeting password: AJtAmXUV735

Tap to join from a mobile device

[+1-408-418-9388](tel:+14084189388), [24974014454##](tel:+14084189388) United States Toll

Join by phone

+1-408-418-9388 United States Toll

[Global call-in numbers](#)

Board of Pilot Commissioners
Notice of March 24, 2022, Board Meeting, continued

Join from a video system or application

Dial [24974014454@cadot.webex.com](tel:24974014454)

You can also dial 173.243.2.68 and enter your meeting number

Join using Microsoft Lync or Microsoft Skype for Business

Dial [24974014454.cadot@lync.webex.com](tel:24974014454)

There will be an opportunity for public comments on all agenda and non-agenda items at the outset of the open session. There will also be an opportunity for public comment during the presentation of each agenda item, and on non-agenda items at the end of the meeting. Meeting documents will be available on the Board's website listed below.

A person who needs a disability-related accommodation or modification in order to participate in the meeting should call the Board office at (415) 397-2253, or write to the Board at the above address or email address. Providing your request at least five (5) business days before the meeting will help ensure availability of the requested accommodation.

BOARD OF PILOT COMMISSIONERS



Allen Garfinkle
Executive Director

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This notice and agenda may also be found on the Board's website:

www.bopc.ca.gov

**Board of Pilot Commissioners
for the Bays of San Francisco, San Pablo, and Suisun
Board Meeting
Thursday, March 24, 2022, at 9:30 a.m.**

**VIA WEBEX AND TELECONFERENCE
(see Notice for instructions to join the virtual meeting)**

MEETING AGENDA*

OPEN MEETING

1. Call to Order and Roll Call (President Hayes-White)
2. Review and approval of Board meeting minutes (President Hayes-White)
 - A) **Board action to approve the minutes from the Board meeting held on October 28, 2021.**
 - B) **Board action to approve the minutes from the Board meeting held on January 27, 2022.**
 - C) **Board action to approve the minutes from the Board meeting held on February 24, 2022.**
3. Public comment on matters on the agenda or not on the agenda.
4. President Announcements and Activities (President Hayes-White)
5. Board Member Announcements and Activities (Board Members)
6. Directors' Report (Executive Director Garfinkle)
 - A) Correspondence and activities since the Board meeting held on February 24, 2022.
 - B) Report on pilot licensing matters since the Board meeting held on February 24, 2022.
 - C) Report on Board surcharges.
 - D) Report on outstanding requirements of Board actions in response to Board determination and direction on Incident Review Committee reports.
 - E) Report on legislative activities and contractual matters.
7. Port Agent's Report (Port Agent Carlier)
 - A) Monthly report on San Francisco Bar Pilots (SFBP) pilot availability and absences.
 - B) Monthly report on SFBP ship piloting business activity.

* Order of business is approximate and subject to change.

- C) Monthly confidential written report of SFBP pilots who have been absent for medical reasons (AFMR). **The Board may go into closed session to discuss contents of the Port Agent's confidential report as authorized by Harbors and Navigation Code § 1157.1.**
8. Pilot Evaluation Committee (Captain Robinson)
- A) Report on the Pilot Evaluation Committee (PEC) meeting held on March 16, 2022.
 - B) Possible PEC recommendation to place one or more Pilot Trainee Training Program trainees on probation, or dismiss one or more trainees from the program. **Possible Board action to place one or more Pilot Trainee Training Program trainees on or off probation, or dismiss one or more trainees from the program.**
 - C) Possible PEC recommendation as to whether a trainee has or trainees have successfully completed the Pilot Trainee Training Program. **Possible Board action whether to award a Certificate of Completion to a trainee who has completed the Pilot Trainee Training Program.**
 - D) Possible recommendation from the Executive Director for the Board to issue a state pilot license to a trainee who holds a Certificate of Completion from the Pilot Trainee Training Program. **Possible Board action to accept a recommendation from the Executive Director that a trainee holding a Certificate of Completion from the Pilot Trainee Training Program be licensed as a state-licensed pilot.**
9. Reported Safety Standard Violations (Executive Director Garfinkle)
(Reported safety standard violations occurring up to the start of the meeting will be reported on.)
10. Incident Review Committee—Reportable Piloting Events (Executive Director Garfinkle)
(Reportable piloting events occurring up to the start of the meeting will be reported on.)
- A) Status report on the M/V GLOBE PEGASUS allision with several pilings at Levin Terminal in Richmond, CA, on April 8, 2021. **Possible Board action to grant the Incident Review Committee an extension to present the M/V GLOBE PEGASUS report at the Board meeting to be held on April 28, 2022.**
 - B) Status report of interaction between the M/V CHARLIE and the moored M/V EVA SHANGHAI in the Port of Stockton on October 17, 2021. **Possible Board action to grant the Incident Review Committee an extension to present the M/V CHARLIE report at the Board meeting to be held on April 28, 2022.**
11. Significant Port Safety and Security Cases Report (Executive Director Garfinkle)
- Report on marine casualties, navigational safety, and significant incident management cases relevant to the Board as reported by the U.S. Coast Guard in its Prevention / Response – San Francisco Harbor Safety Statistics report.

12. Finance Committee meeting (Committee Chair Captain Nyborg)

- A) Report on the Finance Committee meeting held on March 7, 2022.
- B) Finance Committee recommendations to the Board on the following Board surcharges:
- 1) To adjust or not adjust the Board Operations Surcharge rate (currently at 5.5% of all pilotage fees), and the revenues, expenditures, and reserve balance. **Possible Board action to adjust the Board Operations Surcharge rate.**
 - 2) To adjust or not adjust the Pilot Continuing Education Surcharge rate (currently at \$50 per move). **Possible Board action to adjust the Pilot Continuing Education Surcharge rate.**
 - 3) To adjust or not adjust the Pilot Trainee Training Surcharge rate (currently \$20/trainee/move). **Possible Board action to adjust the Pilot Trainee Training Surcharge rate.**
 - 4) To adjust or not adjust the Pilot Dispatch Program Surcharge rate (currently \$35/move). **Possible Board action to adjust the Pilot Dispatch Program Surcharge rate.**
 - 5) To adjust or not adjust the Pilot Boat Maintenance Surcharge rate (currently \$90/move). **Possible Board action to adjust the Pilot Dispatch Program Surcharge rate.**
- C) Report on the Finance Committee's recommendation for authorization of the San Francisco Bar Pilots Association's recovery of Pilot Vessel Maintenance expenditures for the period August 1, 2021 to December 31, 2021 in the amount of \$461,982, and with recovery to begin on April 1, 2022, as authorized by Harbors and Navigation Code Section 1190.5. **Possible Board action to authorize the San Francisco Bar Pilots to recover Pilot Vessel Maintenance expenditures for the period August 1, 2021 to December 31, 2021 in the amount of \$461,982, with recovery to begin on April 1, 2022.**

13. Pilot Power Committee meeting (Committee Chair Captain Carr)

Report on the Pilot Power Committee meeting held on March 3, 2022 and possible recommendation to the Board on the amount of trainees to have in the Pilot Trainee Training Program **Possible Board action to approve Committee recommendation on the amount of trainees to have in the Pilot Trainee Training program.**

14. Ad Hoc Committee on Pilot Diversity Meeting (Committee Chair Schmid and Executive Director Garfinkle)

Report on the progress to implement changes to the Trainee Training Selection Exam minimum qualifications and exam format.

15. Report on shipping activity regionally and within the Board's jurisdiction (Captain McIntyre)

16. Presentation and discussion of a request for a disability pension by San Francisco Bar Pilot Captain Roger Kirk – Executive Director Garfinkle.

Presentation and discussion of disability pension request by SFBP Captain Roger Kirk. **Possible Board deliberation and finding on:**

A) Whether Captain Kirk is disabled within the meaning of Harbors and Navigation Code section 1164(b). In this context, “disabled” means a disability of permanent or extended and uncertain duration, as determined by the board, on the basis of competent medical opinion.

B) If the Board determines that Captain Kirk is disabled as defined in section 1164(b), the Board must determine the date that the disability became permanent (or of extended and uncertain duration).

Possible Board action determining whether Captain Kirk is disabled within the meaning of Harbors and Navigation Code section 1164(b), and the date that the disability became of a permanent or extended and uncertain duration. The Board may go into Closed Session to discuss Captain Kirk’s confidential medical reports as authorized by Harbors and Navigation Code, §1157.1

17. **Board Written Decision Concerning the M/V THALASSA AVRA Incident (Board Counsel Eagan)**

Board consideration and action on a draft of the Board’s formal written decision following the Board’s decision at the February 24, 2022, meeting concerning the M/V THALASSA AVRA incident. The Board may go into closed session to consider this item under section 11126(c)(3) of the Government Code.

18. Performance Evaluation of the Executive Director (President Hayes-White)

Annual Performance Evaluation of Executive Director. **The Board may go into closed session pursuant to 11126(a)(1) of the Bagley-Keene Open Meeting Act to discuss the evaluation.**

19. Public comment on matters not on the agenda. (President Hayes-White)

20. Proposals for the next Board meeting agenda. (President Hayes-White)

21. Adjournment.